

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	
vs.)	Case No.: 4:09-cr-572 HEA (MLM)
)	
ANTOINE S. REED,)	
)	
Defendant.)	

FIRST MOTION TO CONTINUE TRIAL SETTING

COMES NOW Defendant, Antoine Reed, by and through counsel, and moves this Court to continue the trial presently scheduled for December 7, 2009 for a period of thirty (30) to forty-five (45) days. In support of this motion, Defendant states as follows:

1. Counsel entered his appearance on behalf of Defendant on October 13, 2009.
2. Counsel is presently preparing for trial in United States v. Antwain Smith, case number 4:08-cr-533 CAS, and United States v. Donald Zakrzewski, case number 4:08-cr- 610 JCH. The former case is scheduled for trial on November 30, 2009. The latter case is scheduled for trial on December 21, 2009. Both trials, and their ongoing preparation, have impacted the rate at which counsel can complete investigation in this case.
3. In addition, until last week, counsel was preparing for trial in United States v. Anthony Rizzuti, case number 4:09-cr-96 RWS. Mr. Rizzuti's case was scheduled for trial on December 7, 2009 until he determined last week to forego trial and enter a plea of guilty to an agreed upon disposition. Defendant Rizzuti's case likewise slowed progress in the instant case
4. Moreover, Defendant, through counsel, is in discussion with the United

States in an effort to reach an agreed upon disposition in this case. Those discussions are ongoing, but incomplete as of yet and will not likely be completed prior to the current trial setting.

5. For these reasons, Defendant files the instant motion.

6 For these same reasons, failure to grant the instant motion will “deny counsel for the defendant...the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.” 18 U.S.C. § 3161(h)(7)(B)(iv). Accordingly, “the ends of justice served by taking such action outweigh the best interest of the public and the defendant in a speedy trial.” 18 U.S.C. § 3161(h)(7)(A).

7. Defendant, through counsel, has discussed this matter with assistant United States attorney, Michael Reilly. Mr. Reilly does not object to Defendant’s request.

8. Defendant will file with this Court a signed waiver of his rights under 18 U.S.C. § 3161 et. seq., if this Court should so request.

WHEREFORE, Defendant respectfully requests this Honorable Court continue the trial presently scheduled for December 7, 2009 for a period of thirty (30) to forty-five (45) days.

ROSENBLUM, SCHWARTZ, ROGERS & GLASS, PC

By: /S/Adam D. Fein
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CERTIFICATE OF SERVICE

I hereby certify that on November 16, 2009, the foregoing was electronically filed with the Clerk of the Court to be served by operation of the Court's electronic filing system upon Mr. Michael Reilly, assistant United States attorney.

First Motion to Continue Trial Setting

ROSENBLUM, SCHWARTZ, ROGERS & GLASS, PC

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